

August 18, 1943

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ARIZONA ATTORNEY GENERAL

Bernard Touhey, State Engineer
Arizona Highway Department
Phoenix, Arizona

RE: HOURS OF EMPLOYMENT FOR MINIMUM WAGE**Dear Sir:**

Your specific question is whether you can require employees in the drafting and similiar departments to work more than their present hours of employment and, if so, do they come under the minimum wage law of the State.

Sec. 56-101 prescribes the hours of labor and overtime provisions of our statutes. It specifically applies to laborers employed on public works in manual or mechanical labor. There is no limit to the number of hours you may require a manual or mechanical laborer to work except the 8 hour per day limit; hence, as to such employees, they can be required to work 7 days per week at eight hours per day without violating the section.

If, however, they work in emergency work more than 8 hours in any one day they must be paid time and one-half for overtime.

The above section does not apply to workers not engaged in manual or mechanical labor; that is, those engaged in technical employment. As to these technical employees there appears no limitation as to hours of employment and no provision is made for overtime.

The foregoing does not apply to women employees. Their hours of labor are found in Sec. 56-320. Under this section no female may be employed in any labor other than domestic work for more than 8 hours in one day nor more than 48 hours in one week - with one full day of rest a week. This relates to any employment whether public or not. There is no provision for emergency work or overtime and no distinction between manual or mechanical labor on the one hand or technical labor on the other. They simply cannot be employed more than 8 hours a day, 48 hours a week, except in certain classes of employment not to be found in the Highway Department.

Very truly yours,**JOE CONWAY**
ATTORNEY GENERAL

A. R. Lynch
A. R. LYNCH
ASSISTANT ATTORNEY GENERAL

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